

REMARKS

In the November 2, 2005 Office Action, the Examiner noted that claims 16-25 and 27-30 were pending in the application and were rejected under 35 USC § 102(e) as anticipated by U.S. Patent No. 6,295,449 to Westerlage et al. (Reference A). Claims 32 and 33 have been added and thus, claims 16-25, 27-30, 32 and 33 remain in the case. The Examiner's rejections are traversed below.

The undersigned wishes to thank the Examiner for the opportunity on January 18, 2006 to discuss the differences between the invention and the communications network taught by Westerlage et al. As agreed at the Interview, claim 16 has been amended to clarify what constitutes a control and monitoring system in the claims.

As discussed in the Amendment filed October 20, 2005 and at the Interview on January 18, 2006, the rejection of the claims cited modems 300 and 302, illustrated in Fig. 8 and described in column 18 of Westerlage et al., as disclosing the control and monitoring system recited on lines 3-4 of claim 16. However, according to column 18, lines 19-20, Fig. 8 is an illustration of telecommunications platform 224 in Fig. 5. Claim 16 has been amended to clarify that the control and monitoring system is able to "directly control ... operational states of the device in which said apparatus is mounted" (claim 16, lines 3-4). While the signals that are sent by the modems 300 and 302 may cause changes in the operational state of a pager/remote ringer in the system disclosed by Westerlage et al., they certainly are not mounted in the pagers, but rather are located remotely in the telecommunications platform. Therefore, it should now be clear that the modems do not perform the "directly controlling" operation recited as being performed by the control and monitoring system recited in claim 16 for at least the reason that the modems are not in the device, as recited in claim 16.

Furthermore, nothing else has been cited or found in Westerlage et al. which might correspond to the control and monitoring system recited in claim 16. Therefore, since the remaining claims all depend from claim 16, it is submitted that none of the pending claims are anticipated by Westerlage et al.

Claims 32 and 33 have been added to further define how the apparatus defined in the claims interacts with the device in which it is mounted. Specifically, "the control signals issued by said control and monitoring system relate to at least one of powering and movement of the device" (claim 32) and "the output data includes conditions of the powertrain of the vehicle" (claim 33, line 3) in a case where "the device is a vehicle having a powertrain" (claim 33, lines 1-2), as described in paragraph [0024] of the substitute specification. While there are vehicles

involved in the system disclosed by Westerlage et al. nothing has been cited or found suggesting that anything in the system controls either power or movement of the vehicles or that there is any output data relating to the powertrains of the vehicles. The type of data transmitted by the system disclosed in Westerlage et al. that has been found to come closest to the type of data and control signals recited in claims 32 and 33 is the geographic position output by positioning system transceiver 60 and positioning system interface 58 (Fig. 2) in Westerlage et al. While such data may also be transmitted in a system according to the present invention (see e.g., claim 27), the present invention is much more closely integrated with the device in which it is mounted, as described in e.g., paragraph [0022] of the substitute specification and as now recited in claim 16.

For the above reasons, withdrawal of the rejections under 35 USC § 102(e) is respectfully requested.

Summary

It is submitted that Westerlage et al. does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 16-25, 27-30, 32 and 33 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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